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February 6, 2012

## **FILED VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-B204  
Washington, D.C. 20554

**Re:   *Ex Parte* Notification**  
**WC Docket No. 10-90; GN Docket No. 09-51; WC Docket No. 07-135;**  
**WC Docket No. 05-337; CC Docket No. 96-45; CC Docket No. 01-92;**  
**WC Docket No. 03-109; WT Docket No. 10-208.**

Madam Secretary:

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, we hereby provide you with notice of an *ex parte* presentation made in connection with the above-captioned proceeding.

On Thursday, February 2, 2012, David LaFuria and the undersigned, on behalf of Lukas Nace Gutierrez & Sachs, LLP, met with Trent Harkrader and Amy Bender of the Telecommunications Access Policy Division, Wireline Competition Bureau. We discussed the Petition for Reconsideration filed by Verizon Wireless and the six *ex parte* contacts that the company has made since December 11, 2011 on the issues raised in that Petition.

In its Petition, Verizon Wireless argued that the phase-down in the *USF-ICC Transformation Order* supersedes the phase-down requirement in the *Verizon Wireless Merger Order*. We noted our view that the phase-down in the *Verizon Wireless Merger Order* must govern, and that the *USF-ICC Transformation Order* is fully consistent with the *Verizon Wireless Merger Order*. We further noted that permitting Verizon to collect hundreds of millions of dollars of additional high-cost support for an additional three and one-half years (from January 1, 2013

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through June 30, 2016) would adversely impact the FCC's USF budget, contravene the central objective of the FCC's USF Reform efforts, and provide Verizon with an undeserved windfall.

Finally, we stated our concern that Verizon Wireless has not submitted into the public record the financial data that it has discussed with FCC staff. We noted that this data, based on publicly available USAC data, is not confidential or proprietary, but is not readily ascertainable by third parties.

If you have any questions or require any additional information, please contact undersigned counsel directly.

Respectfully submitted,

Robert S. Koppel  
LUKAS NACE GUTIERREZ & SACHS, LLP

cc: Trent Harkrader, Esq.  
Amy Bender, Esq.  
David LaFuria, Esq.